



PATENT  
ATTORNEY DOCKET NO. 10498-00054

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Li-Huei Tsai, Ming-Sum Lee, and  
Jonathan Cruz

Serial No.: 10/625,986

Filed: July 24, 2003

Title: COMPOUNDS AND METHODS FOR TREATING  
NEURODEGENERATIVE DISORDERS

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) Examiner:  
)  
) Art Unit: 1614  
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)  
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)

Commissioner for Patents  
Mail Stop Missing Parts  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION

Responsive to the Notice to File Missing Parts of Application under 37 CFR 1.53(b) mailed July 22, 2004 (a copy of which is enclosed), Applicants as a small entity submit herewith the following:

A Combined Declaration and Power of Attorney in compliance with 37 CFR 1.63;

Second Preliminary Amendment;

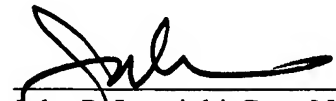
Payment of the surcharge of \$65.00 for late filing of the declaration; and

Return postcard.

It is understood that this perfects the application and no additional papers or filing fees are required. Please apply the instant filing fees, in the amount of \$65.00, and any other charges or any credits, to Deposit Account No. 19-0733. A duplicate of this paper is enclosed.

Respectfully submitted,

Dated: September 9, 2004

  
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John P. Iwanicki, Reg. No. 34,628  
BANNER & WITCOFF, LTD.  
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Boston, MA 02109  
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09-10-04

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/625,986	07/24/2003	Li-Huei Tsai	10498-00054

CONFIRMATION NO. 3395

22910  
BANNER & WITCOFF, LTD.  
28 STATE STREET  
28th FLOOR  
BOSTON, MA 02109-9601

## FORMALITIES LETTER



\*OC000000013307947\*

Adjustment date: 09/14/2004 HALI11  
09/13/2004 HALI11 00000009 190733 10625986  
01 FC:1051 130.00 CR

Date Mailed: 07/22/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

09/13/2004 HALI11 00000009 190733 10625986  
01 FC:1051 130.00 DA

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The following item(s) appear to have been omitted from the application:

- Figure(s) 2F, 5F described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date

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of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

**SUMMARY OF FEES DUE:**

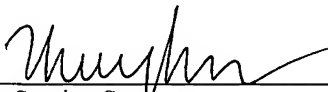
Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
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Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*



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PART 2 - COPY TO BE RETURNED WITH RESPONSE